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How to Talk Back to Your Television Set by Nicholas Johnson

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world situation which produced the mugging solution to his problems, equipped-rehabilitated only to meet the artificial demands of jail and the Wasp dream world.

Now the game of cops and robbers can begin again.

This is what Mr. Schur is writing about. This is the individualistic ethic, grown from its good old Wasp roots to full Establishment flower.[44]

HOW TO TALK BACK TO YOUR TELEVISION SET. Nicholas Johnson. Boston: Little, Brown and Co. 1970. [Paperbound], New York: Bantam Books, 197. Pp. 245. $.95.

Nicholas Johnson is a commissioner of the Federal Communications Commission. He was appointed to the Commission in 1966 by President Johnson. The television industry most likely wishes he hadn't been, for he has been one of the industry's most outspoken critics for the past four years. This would not be especially noteworthy (it is generally considered rather chic to berate the "boob tube") but for the fact that members of federal regulatory agencies have compiled an unenviable record of "cooperation" with the industries which they have been charged to regulate. Johnson has not fallen into this mold, but has emerged as an extremely irritating gadfly nipping at the heels (and often higher) of the corporations which have condemned much of American television to the banality of "Green Acres" or "Nanny and the Professor."[1]

Johnson is young (36), bright (Phi Beta Kappa, law review editor, clerk to Justice Hugo Black), and has written in this book an informative, readable and practical guide to the ills of current American television, the prospects for the future, and most importantly what Con-

[44] If anyone thinks my use of footnoting Packer, Bickel, Harvard, or the New Yale are irrelevant to the topic, these people and institutions are the intellectual backbone of the individualistic criminal law system; a system which I abhor as a destructive, anachronistic, elitist defrauding of those democratic values which Rodell, McDougal, and Lasswell have long been the superbly able and fiercely ardent—as they are now the last—Yale defenders.

[1] Several issues which Johnson has advocated (along with others) and which the television industry, and in some cases other segments of the mass media industry, have opposed include: investigation of ownership of stations by conglomerate corporations; prohibition and/or regulation of joint media ownership in a single market; network domination of the program production market; forms of cable television regulations; and the applicability of the Fairness Doctrine to the President's use of television.

gress, the FCC and the public can and should do to improve it. Johnson says his intention in writing the book was to make it "instructive and interesting for the thoughtful general reader and student of the mass media. But it is also intended as a manual for practicing pragmatists. . . ."[2]

The book details the facts of television's powerful influence which everyone vaguely remembers reading or hearing somewhere, but which merit repeating: 95 percent of all American homes have televisions (25 percent having two or more); the television is on nearly six hours per day in the average home; the average male will have watched television for over 3000 entire days by his 65th year; the average child, by the time he enters kindergarten, will have spent more hours in front of a television set than he would spend in a college classroom earning a B.A. degree.[3]

Johnson goes on the discuss the problem of the concentration of ownership of all media, specifically noting the once-proposed ITT-ABC merger, and also the common occurrence of joint ownership of newspaper-television-radio complexes. "In 30 of the [top 50 television] markets, at least one of the [network affiliate television] stations is owned by a major newspaper in that market. . . . Twelve parties own more than one-third of all the major-market stations."[4]

In one of the most effective sections[5] of the book, Johnson castigates the television networks for crying censorship at Vice-President Agnew's remarks, while the networks themselves are the real censors. "Many broadcasters are fighting, not for *free* speech, but for *profitable* speech."[6] Numerous examples of this practice are listed, from CBS' refusal to broadcast 1966 Senate hearings on the Vietnam war (which led to the resignation of CBS news president, Fred Friendly),[7] to the television industry's vigorous resistance to the broadcasting of anti-smoking commercials, to a long listing of more specific instances including the well-known cancellation of the Smothers Brothers Show.[8]

Johnson endorses the conclusion of the Kerner Commission that

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[2] N. JOHNSON, HOW TO TALK BACK TO YOUR TELEVISION SET 4 (1970). [Hereinafter cited as JOHNSON.] All page references are to the paperbound edition.

[3] *Id.* at 11.

[4] *Id.* at 54.

[5] This is quite possibly due, in large part, to the fact that self-censorship is an area in which broadcasters are notoriously vulnerable. Their policy has been described by someone as "offending everyone by offending no one."

[6] JOHNSON 74.

[7] This incident was also at least part of the catalyst in producing another fine book on the ills of television: F. FRIENDLY, DUE TO CIRCUMSTANCES BEYOND OUR CONTROL (1967).

[8] *See generally* JOHNSON 73-88. An excerpt from Mason Williams' poem, "The Censor," at 85, is especially worthy of note.

"the communications media, ironically, have failed to communicate."[9] He says,

> The voices of the Negro revolution tell us what the first item on our agenda must be. We must listen to the unheard. If necessary, we must be forced to listen. White America must get their message —and in the language of reason rather than riot. That is a job for everyone who occupies a position of leadership in our society. But most of all, it is a job for the mass media.[10]

A number of general proposals for reforming television are detailed by Johnson on a basis of what he terms "institutional realignments." The areas which he singles out for reform include public broadcasting, citizen participation, public service time, program diversity and ownership standards, professionalism, programming liability,[11] public access to television, and finally an extended discussion of, and proposal for, a Citizens' Commission on Broadcasting.

The final section of the book meets the author's intent of providing "a manual for practicing pragmatists." It is entitled, "What You Can Do to Improve TV," and it does just that, ranging from examples of successful citizen participation and activism, to brief explanations of FCC procedures (specifically license renewals), to general suggestions on how citizens (the "silent majority" if you will) can effectively go about influencing, changing and improving the media. It's the type of information on how to pierce the corporate and governmental red tape that the networks and a lot of station

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[9] JOHNSON 96.

[10] *Id.* at 93. If you are of the opinion that this problem has been beaten to death and has been or is now being adequately handled by the media, you might consider the following posed by Ben Holman of the Justice Department's Community Relations Service:

> Have you ever wondered what it's like to be seven years old, and black, in a slum school? Have you ever tried to find out how a young, unskilled Negro husband tries to provide for his family? Have you ever thought about the aspirations of a Negro teenager? Do you know what soul food is? What do you know about the myriad of black clubs and organizations in a ghetto community? What really goes on in ghetto poolrooms? Do attitudes of Negro youngsters about sex differ from those of whites? What is the meaning of the ritual of those storefront churches? What does a young Negro father tell his son about being black in America? Why are there seemingly so many taverns in Negro neighborhoods? What are the latest in-group jokes in the ghetto? There is a fascinating world of humor, pathos, aspirations, frustrations, toil, heartbreak, violence and joy right under your nose. *Id.* at 101.

For a view of this concept of access to the mass media from another perspective, see Barron, *Access to the Press—A New First Amendment Right*, 80 HARV. L. REV. 1641 (1967).

[11] An especially intriguing concept: "The television set manufacturer is legally liable for physical damage done by radiation from the set. Why shouldn't a television network be liable for the psychic harm it does millions of young children who watch Saturday morning 'children's programs'?" JOHNSON 172.

owners probably would just as soon the viewer not have lying in his home for ready reference. The book concludes with a guide to where to get more information, where to write (listing addresses of the networks and names and addresses of groups which are working to improve television), and finally an extremely useful twenty-page bibliography.

The book suffers somewhat from a lack of depth, but this is, I suppose, inevitable for any work of this nature if it is to be read by the general public—and it should be read. His proposals are sometimes specific, sometimes ambiguous; they are often practical, sometimes quixotic; but most importantly he has set out some of the very serious problems which the television industry in specific, and the communications media in general, have placed before this country, along with some thought-provoking proposals for reform. The problems are serious enough now, but with our expanding technology and increasing size, they are going to become worse, not better, unless someone begins to listen to people like Nicholas Johnson.

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Notes Editor